

REMARKS

In the outstanding Office Action, claims 1 to 21 and 25 to 32 were presented for examination. Claim 27 was objected to unfold grounds rejected on formal grounds under 35 U.S.C. 112. In addition, rejection was advanced on the basis of 35 U.S.C. 103 against claims the claims as being unpatentable variously over a reference to Vezard.

The Office Action has been most carefully studied. In this amendment applicant has addressed the formal requirement respecting claim 27. The Claims have been amended to avoid the rejection. In addition, the claims have been amended in order to remove any questions under 35 U.S.C. 112, in order to more precisely claim the invention.

Accordingly, as will be discussed in detail below, it is believed that the application is clearly in condition for allowance.

Generally, the independent claims have been amended to precisely claim the invention while avoiding the cited art. Accordingly, it is believed that they are allowable as amended. Other claims recite aspects of the invention which, in combination with the combinations recited in their base claims are believed to clearly define over the art of record. Accordingly, these claims are also believed to be most clearly in condition for allowance.

Turning to Claim 1, as amended, this claim clearly recites the use of a pair of filter support members having bandpass filters. Moreover, the bandpass wavelength characteristics are selected to result in the generation of an additional bandpass region other than those provided by an individual filter. Vezard makes no such teachings.

Rather, specifically states that the bandpass wavelengths in the various filters do not overlap. See column 7 of his patent, lines 3-4. A limitation claiming the mechanical and optical features of the invention which result in the above limitation is also included, in claim 26, and, accordingly, no further searching has been required by this aspect of the instant amendment.

Claim 15 has been amended in order to more precisely claim the invention. In particular, claim 15 is directed to a ruggedized forensic light source including a shock overhand and a filter we'll position for rotation when the user grasps the handle of the device. Nothing in the prior art suggests using a shock resistance support. Indeed, the very fact that hindsight identifies the importance of this feature, and because these devices have been on the market for many years emphasizes the patentability of this aspect of the invention. Moreover, claim 15 also recites that the filter is mounted for rotation and position, dimensioned and configured to be adjusted by the user's thumb while the user grasps the handle. This is an aspect of the invention which makes its use particularly easy and effective. Moreover, such operation may save time during use.

Importantly, the user using the inventive light source may be more likely, while he is adjusting filters, to drop the light source. Accordingly, the provision of a ruggedized light source is of particular relevance in the context of adjustment by the thumb of the user. Accordingly, it is believed most clear that claim 15 is in condition for allowance.

Claims 30 and 31 have now been amended to include similar limitations respecting the operation of the filter wheel by the thumb of the user while the user is

holding the handle of the inventive forensic light source. A similar limitation is also included in new Claim 33 and, accordingly, all of these claims are believed to be clearly in condition for allowance.

The above claims constitute all the independent claims in the application. The remaining claims all thus depend from these claims, and because they further limit those claims, are also believed to be in condition for allowance.

Generally, it is noted that the claims of the present invention are now narrowly drawn to the specific features of the invention which are most clearly not taught by the prior art. Moreover, it is noted that the claims, as amended, leave competitors in a Position Unchanged with Respect to the manufacture a device of the type illustrated in the various prior art patents, giving the patentee the modest rights associated with his not insignificant contributions.

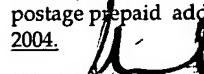
Applicant has also reviewed the other patents cited by the Office in the outstanding action, but the same clearly do not address any of the aspects of the invention as claimed in the claims and disclosed in the specification. Thus, the claims are believed to patentably define over the various documents of record, either taken alone or in combination.

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the instant application, as amended, is in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, he is invited to call the telephone number below for an interview.

By: 
Anthony H. Handal
Reg. No. 26,275
Roger Pitt
Reg. No. 46,996

Kirkpatrick & Lockhart LLP
599 Lexington Avenue
New York, NY 10022
(212) 536-4870

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, postage prepaid addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450 Alexandria, VA 22313-1450 on August 9, 2004.


Anthony H. Handal
Reg. No. 26,275
Roger Pitt
Reg. No 46,996